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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 MICHAEL HOLMBERG,

9 Plaintiff,

10 v.

11 ELDON VAIL, et al.,

12 Defendants.

Case No. C11-5449BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

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14 This matter comes before the Court on the Report and Recommendation ("R&R") of
15 the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt.22).

16 The Court has considered the R&R and the remaining record, and no objections to the
17 R&R having been filed, does hereby find and order as follows:

- 18 (1) The R&R is **ADOPTED**;
19 (2) All of Plaintiff's claim are **DISMISSED**, except for Count IV; and
20 (3) The matter is **RE-REFERRED** for further proceedings.

21 DATED this 6th day of February, 2012.

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24 BENJAMIN H. SETTLE
25 United States District Judge
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ORDER